

REMARKS

Claims 1-28 are pending.

Claim Rejections – 35 U.S.C. §103(a)

The Examiner has rejected Claims 1-9 and 11-28 under 35 U.S.C. §103(a) as being unpatentable over Growney et al. (U.S. Pat. No. 7,062,460) in view of Solomon (U.S. Pub. No. 2003/023305) and further in view of Smith (U.S. Pub. No. 2002/0032621). The Examiner has rejected Claim 10 under 35 U.S.C. §103(a) as being unpatentable over Growney in view of Solomon and Smith and further in view of Meyers (U.S. Pat. No. 7,085,740).

The rejections are respectfully traversed. Pursuant to 35 U.S.C. §103(c), Smith is unavailable as a reference. An assignment of the present application to Freemarkets, Inc. was recorded on December 18, 2001 at Reel/Frame 012699/0093. An assignment of Smith to Freemarkets, Inc. was recorded on November 26, 2001, at Reel/Frame 012324/0733. Applicants respectfully request that any rejection based on Smith be withdrawn. As the Examiner has cited Smith against all pending claims, all claims are therefore believed to be allowable.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

Dated: _____

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